

**United States Department of the Interior
Bureau of Land Management**

Decision Record

**Determination of NEPA Adequacy
DOI-BLM-UT-W010-2016-0016-DNA**

December 2016

Cedar Mountain Wild Horse Gather, Removal, Treat and Release

Location: Townships 1-7 South, Ranges 8-11 West, various sections, Tooele County, UT

Applicant/Address: None

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Cedar Mountain Wild Horse Gather, Removal, Treat and Release

It is my decision to approve the Cedar Mountain Wild Horse Gather, Removal, Treat and Release project (DOI-BLM-UT-W010-2016-0016-DNA).

My decision is to gather approximately 600-700 wild horses from the Cedar Mountain Herd Management Area (HMA). An estimate of 200-300 horses would be removed and placed into the adoption program, with approximately 400 horses being returned to the HMA. Of the mares returning back to the HMA, approximately 200 (or all of the mares over the age of 1 year) would be treated with PZP-22. The exact number of treated mares depends on which are actually captured, which enter the adoption program, and which are returned to the HMA.

BLM would capture horses in approximately 3 trap locations at strategic sites located within the HMA. Horses would be driven to the traps via contract helicopter. A veterinarian would be located on site throughout the capture process. On site, horses would be loaded into trailers and taken to a temporary holding facility to be sorted. Horses going into the adoption program would be shipped to a preparation facility throughout the gather once there are enough horses to fill a straight deck semi load. All horses being returned to the HMA would be held at the temporary holding until gather operations are over. Mares returning to the HMA would be treated with PZP-22 at the end of gather operations.

In addition to the Comprehensive Animal Welfare Policy (CAWP) requirements outlined in the DNA, the following protective measures would be applied:

- Seed mix will be applied at trap locations using a broadcast spread method prior to horses entering each trap.
- If the traps used for this undertaking are co-located with traps used previously, Class III inventory will not be required. If new trap locations are employed, Class III inventory of those locations will be required.
- Vehicle speed will be reduced if vehicular or trucking traffic is creating excessive dust or limiting clear driving conditions for the operations or general public. This will be discussed at the morning safety meetings if applied.
- Vehicles and equipment used in the operations would be cleaned prior to entering and after leaving the trap locations. Only certified weed free hay would be fed to trapped or confined horses during the operations.
- Traffic may be stopped temporarily near trap locations when horses are in the vicinity for the safety of the public and horses.

Authorities: My authority for this Decision is provided under the Section 1333 (b) (1) of the Wild Free-Roaming Horses and Burros Act of 1971, (P. L. 92–195) and Title V of the Federal Land Policy and Management Act (FLPMA) of 1976 (90 Stat. 2776 43 U.S.C. 1761) and the regulations thereunder at 43 CFR Part 2800 and Part 4700.

§4700.0-6 Policy

- (a) Wild horses and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat;
- (b) Wild horses and burros shall be considered comparably with other resource values in the formulation of land use plans;
- (c) Management activities affecting wild horses and burros shall be undertaken with the goal of maintaining free-roaming behavior;
- (d) In administering these regulations, the authorized officer shall consult with Federal and State wildlife agencies and all other affected interests, to involve them in planning for and management of wild horses and burros on the public lands.

§4710.4 Constraints on Management

Management of wild horses and burros shall be undertaken with the objective of limiting the animals' distribution to herd areas. Management shall be at the minimum level necessary to attain the objectives identified in approved land use plans and herd management area plans.

§4720.1 Removal of excess animals from public lands

Upon examination of current information and a determination by the authorized officer that an excess of wild horses or burros exists, the authorized officer shall remove the excess animals immediately...

§4740.1 Use of Motor Vehicles or Air-Craft

- (a) Motor vehicles and aircraft may be used by the authorized officer in all phases of the administration of the Act, except that no motor vehicle or aircraft, other than helicopters, shall be used for the purpose of herding or chasing wild horses or burros for capture or destruction. All such use shall be conducted in a humane manner.
- (b) Before using helicopters or motor vehicles in the management of wild horses or burros, the authorized officer shall conduct a public hearing in the area where such use is to be made.

§4770.3 Administrative Remedies

- (a) Any person who is adversely affected by a decision of the authorized officer in the administration of these regulations may file an appeal. Appeals and petitions for stay of a decision of the authorized officer must be filed within 30 days of receipt of the decision in accordance with 43 CFR Part 4.
- (c) Notwithstanding the provisions of paragraph (a) of §4.21 of this title, the authorized officer may provide that decisions to remove wild horses or burros from public or private

lands in situations where removal is required by applicable law or is necessary to preserve or maintain a thriving natural ecological balance and multiple use relationship shall be effective upon issuance or on a date established in the decision.

Compliance: Compliance for the program will be conducted by the Salt Lake Field Office Wild Horse staff.

There will be monitoring of the mares that are treated. The fertility control treated horses will be marked with a freeze mark on the hip and/or neck to identify which horses were treated. Monitoring will be done through flight inventories and on the ground monitoring. This will allow the BLM to determine foaling rates and how effective the fertility control treatment was towards overall population suppression.

Plan Conformance and Consistency: The Proposed Action was reviewed and found to be in conformance with the land use plan goals and objectives as required by 43 CFR 1610.5. The January 1990, Record of Decision for the Pony Express Resource Management Plan (RMP) specifies the following: the Wild Horse Program, Decision 1 (Manage Herd Size).

Rationale for Decision: The gather is necessary to remove excess wild horses and to reduce the population in order to achieve and maintain a thriving natural ecological balance between wild horses and other multiple uses as required under Section 1333(a) of the 1971 Wild Free Roaming Horses and Burros Act (WFRHBA) and Section 302 (b) of the Federal Land Policy and Management Act of 1976.

The BLM is required to manage multiple uses to avoid degradation of public rangelands, and the removal of excess wild horses is necessary to protect rangeland resources from further deterioration or impacts associated with the current overpopulation of wild horses within the Cedar Mountain Wild Horse Management Area.

Notice of this pending project was posted on the NEPA Register on 6/20/2016. As part of the review process, SLFO offered a 30 day comment period from 9/29/2016 to 10/31/2016. BLM received eight (8) comment letters during the 30-day comment period (3 governments, 3 individuals and 2 organizations). Native American Tribes were also notified and consulted on the program.

Appeal Language: The decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4. Public notification of this decision will be considered to have occurred on the date signed below. Within 30 days of this decision, a notice of appeal must be filed in the office of the Authorized Officer at 2370 South Decker Lake Blvd, West Valley City, UT 84119. If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the Authorized Officer. Instructions for filing an appeal are contained on the attached Form 1842-1 (Appendix A).

If you wish to file a petition for stay pursuant to 43 CFR Part 4.21(b), the petition for stay should accompany your notice of appeal and shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of irreparable harm to the appellant or resources if the stay is not granted, and
4. Whether the public interest favors granting the stay.

If a petition for stay is submitted with the notice of appeal, a copy of the notice of appeal and petition for stay must be served on each party named in the decision from which the appeal is taken, and with the IBLA at the same time it is filed with the Authorized Officer.

A copy of the notice of appeal, any statement of reasons and all pertinent documents must be served on each adverse party named in the decision from which the appeal is taken and on the Office of the Regional Solicitor, U.S. Department of the Interior, 6201 Federal Building, 125 South State Street, Salt Lake City, Utah 84138-1180, not later than 15 days after filing the document with the Authorized Officer and/or IBLA.

/s/ Matt Preston
Salt Lake Field Office Manager

12/9/16
Date

Appendices:

- A. Appeal Process Form 1842-1

Appendix A. Appeal Process Form 1842-1